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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,853	05/22/2001	Gary Jensen	AGI2-PT002.1	8372

3624 7590 04/09/2004

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
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PHILADELPHIA, PA 19103

EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,853

Applicant(s)

JENSEN ET AL.

Examiner

Khoi Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Upon further consideration in view of applicants' arguments in the Appeal Brief filed on December 24, 2003, the rejection of record has been withdrawn. However, the claims of record are still not considered to define patentable subject matter and thus prosecution is being reopened so that a new ground of rejection may be applied. All previously submitted amendments after final have been entered.

At the outset, it should be noted that claims 2 and 7-9 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and Species, there being no allowable generic or linking claim. Applicants timely traversed the restriction (election) requirement in Paper No. 6.

Claim Objections

Claims 1 and 3-6 are objected to for not maintaining consistency of terminology. In particular, claim 1 recites "edge portions", e.g., see line 2. However, claims 3-6 then refer to "edge" or "edges". The terminology should be consistent. Further, "is secured a lower edge", claim 6, lines 2-3, is not grammatically correct. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 3, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by S. L. Ralph. Ralph discloses a display sample comprising:

a rigid product sample (24) having spaced apart upper and lower edge portions;
a wing type display (1) having an upper rail member (11) and a lower rail member (16); the lower rail member having a plurality of pin receptacles (20) to receive a lower hinge member (25) and the upper rail member (11) having a plurality of pin receptacles (20) to receive an upper hinge member (25), see Figure 1;

each hinge member having a pin member (29) extending therefrom and dimensioned to be received in a pin receptacle and first and second opposed portions (27) between which the respective edge portions (27) define a slot for receiving the respective edge portions. With respect to claim 6, both hinge members are identical in construction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over S. L. Ralph. Ralph discloses a display sample comprising a rigid product sample (24) having spaced apart upper and lower edge portions; a wing type display (1) having an upper rail member (11) and a lower rail member (16); the lower rail member having a

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plurality of pin receptacles (20) to receive a lower hinge member (25) and the upper rail member (11) having a plurality of pin receptacles (20) to receive an upper hinge member (25), see Figure 1; each hinge member having a pin member (29) extending therefrom and dimensioned to be received in a pin receptacle and first and second opposed portions (27) between which the respective edge portions (27) define a slot for receiving the respective edge portions. With respect to claim 5, it should be noted that the hinge members having suitable securing element, i.e., fasteners through holes 31 on the hinge members, see page 2, lines 22-25. With respect to claim 6, both hinge members are identical in construction. With respect to claim 4, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the slot to of Ralph to be frictionally fit with the product in order to avoid using securing elements.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Nook, Hagopian, Niekrasz, Russo, Garza, Jr., and Edward M. Stewart, Melkonian and C. E. Gingher are cited to show a display device that has similar configurations to applicants' display device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone

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number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 24, 2004

Khoa Tran



Alvin Chin-Shue
Primary Examiner